



**MUNICIPALITY OF SOUTH WEST MIDDLESEX  
COMMITTEE OF ADJUSTMENT**

WEDNESDAY, NOVEMBER 28, 2018 7:00 PM  
Council Chambers

## **COMMITTEE MINUTES**

### **SOUTHWEST MIDDLESEX COMMITTEE OF ADJUSTMENT**

The Municipality of South West Middlesex Committee of Adjustment met in Regular Session in the Council Chamber on November 28, 2018 at 7:00 p.m.

#### **MEMBERS PRESENT:**

Vance Blackmore (Chair presiding), Deputy Mayor Marigay Wilkins, Councillors Karen Aranha, Doug Bartlett, Rick Cowell, John Kavelaars, Don McCallum and Martin Vink

#### **STAFF PRESENT:**

CAO/Clerk - Jill Bellchamber-Glazier, Facilities & Recreation Manager – Steve MacDonald, Public Works Manager – Greg Storms, Treasurer – Kristen McGill, Stephanie Poirier - Planner

#### **ALSO PRESENT:**

Members of the public and press

#### **CALL TO ORDER**

Chairperson Blackmore calls the meeting to order at 7:35 p.m.

#### **APPROVAL OF AGENDA**

#2018-COA-027

Moved by Committee Member Aranha

Seconded by Committee Member Kavelaars

THAT the Committee of Adjustment Agenda dated November 28, 2018 be accepted as presented.

Carried

## **DISCLOSURE OF PECUNIARY INTEREST**

None declared

## **DEPUTATIONS AND PETITIONS**

- A-7/2018 – 6570 Thompson Drive, McLellan (see agenda item 8(a) below)
- B-6/2018 – 21495 Thames Road, Fennell Woodlands Inc. (see agenda item 8(b) below)

## **ACTION CORRESPONDENCE**

None

## **PLANNING REPORTS**

- a. Minor Variance A-7/2018 – 6570 Thompson Drive – McLellan

The Chair explained the purpose of the meeting, to give the Committee and the public an opportunity to hear all interested persons with respect to the Minor Variance Application by Jason McLellan and the Committee to consider the proposal.

The Planner presented their report and recommendation.

The purpose and effect of the minor variance application is to seek relief from the Southwest Middlesex Comprehensive Zoning By-law No. 2011/065 in order to permit the construction of an accessory building located within the front yard of the subject property with a height of 5.8 m (19 ft) on the subject property. Specifically, the applicant is seeking relief from Sections 6.3.2c, 6.3.2d, and 6.3.2h of Zoning by-law No. 2011/065.

The Chair invited members of the public to ask comments.

A member of the public inquired as to the purpose of the building.

The Applicant noted that it was for storage.

The Planner noted that comments received regarding the permit process by the Lower Thames River Conservation Authority.

The Chair invited Committee Members to bring forward question

#2018-COA-028

Moved by Committee Member Kavelaars

Seconded by Committee Member Wilkins

THAT Application for Minor Variance A-7/2018 filed by Jason McLellan for relief from Sections 6.3.2c), 6.3.2d) and 6.3.2h) of the Municipality of Southwest Middlesex Comprehensive Zoning By-law to permit the construction of an accessory building located within the front yard of the subject property with a height of 5.8 m (19 ft) be GRANTED.

Carried

b. Consent B-6/2018 – 21495 Thames Road – Fennell Woodlands Inc.

The Chair explained the purpose of the meeting, to give the Committee and the public an opportunity to hear all interested persons with respect to the Application for Consent to sever a residential parcel of land with an area of approximately 0.8 ha (2 ac) from an agricultural property known as 21495 Thames Road.

The Planner presented the purpose of the application, and noted that the Committee of Adjustment is considering the consent application and that Southwest Middlesex Council would deal with the request for rezoning.

The Planner noted that the Zoning by-law is to re-zone the remaining parcel to recognize the Surplus Farmhouse Severance policy.

The Planner noted that comments were received from the County Engineer regarding the road widening requirements for the County Road, if the road is not already to the width of the county policy.

The Chair invited members of the public to ask comments.

No members of the public asked questions or made comments.

The Chair invited the Applicant or their Agent to speak to the application.

The Applicant's Agent, Laverne Kirkness, representing Chad and Bill Fennell addressed the committee.

Mr. Kirkness noted that the applicant is seeking to use an existing 0.65ha not the original 08ha in the application. Meaning that the retained parcel would be even smaller, and therefore made the request to modify condition seven (7).

#2018-COA-029

Moved by Committee Member Cowell

Seconded by Committee Member Aranha

**THAT** Application for Consent B-06/2018, submitted under Section 53 of the Planning Act, which proposes to sever a 0.6 ha (1.5 ac) parcel of land (originally circulated as 0.8 ha (2 ac) parcel of land) from the property legally described as Range 2 South, Part Lot 13, RP 34R2350, Part 2 (geographic Township of Ekfrid), be **GRANTED** subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.

2. That the owners' Solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.
3. That the taxes on the subject property are paid in full.
4. That the owner initiate and assume, if required, all costs associated with the preparation of a revised assessment schedule for all drainage works affected in accordance with the Drainage Act, as amended, such costs to be paid in full to the Municipality prior to submitting a registered copy of the transfer.
5. That unless replaced, the existing septic system is to be inspected by a qualified septic installer and the inspection report be provided to the Municipality for determination as to any replacement or remedial works that may be required. Confirmation of the location of the existing septic system shall also be provided.
6. That a change of use permit be obtained for the existing barn in order to prohibit future livestock use, to the satisfaction of the Chief Building Official, if required.
7. That the silo and the barn directly south of the silo be demolished to the satisfaction of the Chief Building Official.
8. That the dwelling be considered habitable and in conformity with the Building Code to the satisfaction of the Chief Building Official.
9. That the owner be required to dedicate lands along the frontage of the severed lot up to 15m from the centerline of construction of Thames Road to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
10. That a Zoning By-law Amendment that appropriately rezones the severed lot and the retained lot of Consent B-06/2018 be in full force and effect.

11. That a preliminary survey showing the lands being severed, be submitted to the satisfaction of the Municipality prior to being deposited at the Land Registry Office.
12. That two copies of the reference plan are submitted to the satisfaction of the Municipality.

**AND FURTHER THAT** the Southwest Middlesex Committee of Adjustment recommends to Southwest Middlesex Council that Application for Zoning By-law Amendment P-8/2018, which proposes to rezone the severed parcel created through Consent Application B-06/2018 from General Agricultural (A1) Zone to Rural Residential (RR) Zone and rezone the retained parcel created through Consent Application B-06/2018 from General Agricultural (A1) Zone to Agricultural (A2) Zone be **GRANTED**.

### **Reasons**

Consistency with the Provincial Policy Statement would be maintained;

Conformity with the County of Middlesex Official Plan would be maintained;

Conformity with the Municipality of Southwest Middlesex Official Plan would be maintained;

The requirements of the Municipality of Southwest Middlesex Zoning By-law would be satisfied through an approved rezoning.

Carried

### **MINUTES OF PREVIOUS MEETINGS**

1. Committee of Adjustment Meeting Minutes – October 24, 2018

#2018-COA-030

Moved by Committee Member Cowell

Seconded by Committee Member Wilkins

THAT the minutes of the meeting of the Committee of Adjustment dated October 24, 2018 be adopted as printed.

Carried

## **BUSINESS ARISING FROM THE MINUTES**

None

## **UNFINISHED BUSINESS**

None

## **INFORMATION CORRESPONDENCE**

1. Middlesex County Road Widening Policy

#2018-CAO-031

Moved by Committee Member Kavelaars

Seconded by Committee Member Cowell

That the information correspondence item is received and filed.

Carried

## **COUNCILLORS COMMENTS AND ENQUIRIES**

- No reports

## **NOTICE OF FUTURE MEETINGS (subject to change)**

- December 19, 2018 – Council – 7:00 p.m.

## **ADJOURNMENT**

The Chairperson adjourned the meeting at 7:58 p.m.